

DA 09-0638

Form 1
IN THE SUPREME COURT OF THE STATE OF MONTANA
Supreme Court Cause No. CDC-2008-391
(To be assigned by the Clerk of the Supreme Court)

John A. RichardsAttorney for: selfAddress: PO Box 870, Seeley Lake MT 59868Phone: 406-677-2600Fax: 406-677-2244**John A. Richards,**

Appellant,

v.

State of Montana,

Appellee.

NOTICE OF APPEAL

FILED

NOV 30 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

NOTICE is given that **John Richards**, the Appellant above-named and who is the **Defendant** (plaintiff/petitioner/or other designation) in that cause of action filed in the **First Judicial District**, in and for the County of **Lewis and Clark**, as Cause No. **CDC-2008-391**, hereby appeals to the Supreme Court of the State of Montana from the final judgment or order entered in such action on the **19th** day of **November, 2009**, received by appellant on the **21st** day of **November, 2009**.

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal ____ is/is not X subject to the mediation process required by M. R. App. P. 7. If subject to mediation, the money judgment being sought ____ is/is not ____ less than \$5,000.
2. That this appeal ____ is/is not X an appeal from an order certified as final under M. R. Civ. P. 54(b). If this is such an appeal, a true copy of the District Court's certification order is attached hereto as Exhibit "A."
3. That the notice required by M. R. App. P. 27 has been or will be given, within 11 days of the date hereof, to the Supreme Court and to the Montana Attorney General with respect to a challenge to the constitutionality of any act of the Montana Legislature.
4. That all available transcripts of the proceedings in this cause ____ have been/have not been X ordered from the court reporter contemporaneously with the filing of this notice of appeal. If all available transcripts have not been ordered, that Appellant has complied with the provisions of M. R. App. P. 8(3) contemporaneously with the filing of this notice of appeal.
5. That included herewith is the filing fee prescribed by statute, or the affidavit to proceed without payment of the required filing fee prescribed in the Appendix of Forms as Form 3.

Dated this 30 day of Nov, 2009
CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, as follows:

(list name and address of the Clerk of the District Court and each attorney or party served).

Dated this 30th day of November, 2 009.

Tracy Neal Sherron
Name

PO Box 870 Seeley Lake, MT 59663
Address

Office manager
Title

cc: Mary Cochenour, Deputy County Attorney

Judge Kathy Seeley, First Judicial District